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UNITED NATIONS CONFERENCE ON
STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 12-30 July 1993

STATEMENT MADE BY THE CHAIRMAN OF THE CONFERENCE AT THE CONCLUSION OF THE GENERAL DEBATE ON 15 JULY 1993

We have had a very useful general debate on the issues before the Conference. While the debate provided an opportunity for general policy statements, it also provided an opportunity to highlight many specific issues relating to fisheries conservation and management and, in particular, those issues facing straddling fish stocks and highly migratory fish stocks.

In the course of this debate, we have heard of the many problems encountered by Member States, including examples of particular situations prevailing in different parts of the world where fisheries management has been unregulated or ineffective. As a consequence, stock depletion, or worse still, stock devastation, has already occurred. We have been warned that the potential for this exists in other fisheries.

The debate clearly established that no region of the world is immune to the impact of uncontrolled fishing and its inevitable results. In addition, it is recognized that the uncertainty caused by natural phenomena affects stock abundance and therefore requires that we be more vigilant than ever before in the management of resources in order that early and decisive action can be taken to ensure sustainability.

It can be concluded from the general statements made, the position papers submitted to the Conference and the technical papers before us that the Conference has identified the problems associated with straddling fish stocks and highly migratory fish stocks and has assessed the impact of these problems based on available information. to this extent, we have satisfied the first substantive item in the mandate of this Conference, as contained in paragraph 2 (a) of United Nations General Assembly resolution 47/192, which requires the Conference to "identify and assess existing problems related to conservation and management of such fish stocks". Thus, we have already made considerable progress.

The debate has also established that there is a remarkable degree of convergence on many substantive issues and this will certainly facilitate our task of examining the issues before us in order that the Conference can make appropriate recommendations. I am personally very encouraged by the extent of this agreement. It attests to the importance that participants in the Conference attach to the problems facing us, and to their high level of commitment to seeking long-term and practical solutions.

In this connection, I find that there is a general agreement on the following key issues:

(a) There is a clearly recognized need for effective conservation and management of straddling fish stocks and highly migratory fish stocks, and agreement that any management regime established should be consistent over the range and distribution of those stocks;

(b) There is agreement that effective fisheries management of high-seas resources can be achieved only through cooperation among States, and that such cooperation is a duty already imposed on States by international law;

(c) The debate has confirmed that the 1982 United Nations Convention on the Law of the Sea must be the legal framework within which conservation and management for the two types of stocks must be developed;

(d) The need for an international code of conduct for responsible fishing, including measures to deter and prevent the use of flags of convenience in order to avoid conservation and management regimes, has been accepted;

(e) It is recognized that effective flag-State enforcement must be exercised on the high seas with respect to the two types of stocks;

(f) There is also recognition that data and scientific information are essential for the development of proper conservation and management measures for the two types of stocks and that, in the absence of such data and information, where appropriate, the precautionary approach to management should be invoked;

(g) It is acknowledged that conservation and management arrangements should take into account specific regional differences and situations and that regional conservation and management measures should be based on globally agreed principles in order to ensure uniformity and consistency in the application of the basic framework for fisheries management established by the 1982 Convention on the Law of the Sea;

(h) It is accepted that the principle of resource sustainability is an essential component of conservation and management;

(i) It is recognized that proper monitoring, control and surveillance is necessary for effective conservation and management of the two types of stocks. This requires a clear agreement on responsibility and measures for compliance and enforcement in general and the responsibilities of flag States in particular;

(j) It is established that effective conservation and management of the two types of stocks must be underpinned by proper dispute settlement mechanisms, taking into account the specific nature of fisheries disputes and the need to ensure the speedy resolution of such disputes;

(k) It is accepted that measures must be taken to ensure that conservation and management of the two types of stocks are not undermined by the activities of States not parties to regional management arrangements and that, where appropriate, new entrants to fisheries targeting these stocks should be accommodated to the extent possible;

(l) It is acknowledged that technical cooperation should be provided to developing countries in order to enhance their capabilities in fisheries conservation and management.

These areas of broad agreement provide us with a sound basis for the next phase of our work, which is to examine, in greater detail, the issues concerning the conservation and management of straddling fish stocks and highly migratory fish stocks.

As stated earlier, we have satisfied the first component of our mandate, namely, to identify and assess existing problems relating to the two types of fish stocks. Our remaining task is to deal with the second and third components of the mandate as set forth in paragraph 2 of General Assembly resolution 47/192:

"(b) Consider means of improving fisheries cooperation among States;

"(c) Formulate appropriate recommendations;".

In this regard, it is my sense from the statements made during the general debate that you wish to proceed to an examination of the issues elaborated in document A/CONF.164/10, "A guide to the issues before the Conference prepared by the Chairman". The issues to be addressed are contained in part two of the document.

In preparing this document, I have been guided principally by the provisions of the 1982 United Nations Convention on the Law of the Sea and the formal and informal discussions we had at the organizational session of the Conference; the position papers provided by States; as well as such opportunities as I have had for informal inter-sessional discussions.

Let me express my sincere gratitude to all those who responded to my request for suggestions and whose contributions assisted me immensely in the preparation of the document. I recognize that there may be issues not listed in the document that might need to be addressed. Since the document is merely a guide to the issues, we shall use if flexibly and accommodate other issues that need to be considered.

The document is set out in, what I believe, is a logical sequence of issues arising from the provisions of the Convention. First it addresses the nature of conservation and management measures that are to be established through cooperation (item I). Then it deals with how the mechanisms for cooperation

should be established and the nature of the responsibilities flowing from such cooperative arrangements (items II and III).

The next two issues focus on monitoring, control and surveillance in support of conservation and management measures. These issues are treated under two headings: compliance with such measures (item IV) and enforcement of those measures (item V). This is followed by the issue of how to deal with States not parties to conservation and management arrangements (item VI). We then come to the settlement of disputes relating to fisheries matters (item VII) and, finally, since the two types of stocks with which this Conference is concerned are found in areas under national jurisdiction and on the high seas, effective management of these stocks require us to address the issue of harmonizing conservation and management measures for the two areas (item VIII).

As we begin to consider the issues in detail I would like to suggest that we proceed in the following manner. We will commence with item I in part two of the document. We will then take items II and III together since they relate to regional arrangements. Items IV and V should also be considered jointly because they are both components of the issues relating to monitoring, control and surveillance. We will then consider items VI, VII and VIII in sequence.

Following consideration and discussion of these issues and taking into account the general statements made in the first part of the Conference and the position papers and other documents submitted, the Chairman will endeavour to put together a basic text on all of the issues discussed for the consideration of the Conference. As I proceed to prepare the Chairman's text, I shall consult as widely as possible to ensure that every effort is made to reconcile divergent views.

I hope that the procedures I have outlined are acceptable to you and that we can proceed immediately to the next phase of our work, which is to address the specific issues in greater detail.